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Book review

Medical Law: Text, Cases, and Materials, Emily Jackson, 3rd ed. Oxford University Press (15 August 2013). 1024 pp., Paperback, ISBN: 978-0-19-969360-3. Language: English

The previous edition of this book appeared on the essential reading list of both undergraduate and postgraduate medical ethics and law courses and the third edition can expect similar standing.

The book's author is a well respected medical law and ethics lecturer. Each chapter is prefaced by a summary box, outlining the key areas of discussion and the number of chapters hasn't changed since the last edition.

A thread that runs through each chapter is the judicious use of extracts from leading judgments and relevant legislation to set the legal context, along with extracts from journal articles and academic commentary, set out in such a way so as to impart a balanced view of the issues. There is discussion of *obiter dicta* around some of the judgments, and this adds to the quality of the analysis. Other sources quoted include the GMC and BMA, and inclusion of material from these and other bodies, helps the practitioner synthesise the issues within their respective professional and/or regulatory framework.

The book starts with a précis of bioethics and contains commentary from a diverse range of leading academics. Some medical law and ethics books go into a huge amount of detail about the various philosophical viewpoints, but this chapter did not leave me feeling under- or over whelmed. The next chapter discusses the tensions and challenges of rationing and resource allocation within the NHS along with a discussion of alternative models of funding and healthcare delivery outside England and Wales. The chapter on medical malpractice and related issues describes the standard case law on negligence, but has been updated to include issues arising from the Mid Staffordshire Inquiry along with a section on possible law reform in the area of clinical disputes. It would have been nice to see more discussion on the regulation of other (non-medical) healthcare professionals and the changes in cultural attitudes in healthcare towards whistle blowing. The following chapters comprehensively cover consent, capacity and voluntariness and suitably include recent higher court judgments such as *A Local Authority v K* [2013] EWHC 242 (COP). Issues surrounding confidentiality are well covered including a section on remedies for breach. The chapter on mental health law includes a lot of case law, but not at the expense of describing the statutory obligations facing practitioners as laid out in the Mental Health Act 2007. The section on Deprivation of Liberty Safeguards provides balanced critique and commentary regarding their merit and effectiveness, and the protection offered by Article 5 of The European Convention on Human Rights as incorporated in the Human Rights Act 1998 is also

well considered in this chapter. The rapid developments in human genetics and accompanying medical and ethical issues surrounding genetic privacy are debated although I felt the section on pharmacogenetics could have been expanded with more detail on the associated ethical dilemmas. The similarly fast-changing area of stem cell and embryo research and regulation are addressed with balanced argument. Other chapters cover product liability, issues related to research, liability for antenatal occurrences, and a particularly good exposition on organ transplantation underpinned with relevant extracts from primary legislation, organisational and academic opinion. The chapter on abortion law covers the standard case law and legislation, but goes further to discuss reform of the law in his area and the situation in other jurisdictions. The regulation of preimplantation genetic diagnosis and reproductive cloning are portrayed with a good mix of pro- and opponent views and, in a similar way, the chapter on surrogacy provides balanced arguments interspersed with leading judgments. The chapter on end of life decisions has been updated and includes recent cases such as *Nicklinson* and *Purdy*. The arguments for and against euthanasia and assisted suicide are examined, with a further section commenting on the experience and problems facing other countries and jurisdictions.

This book has a comprehensive listing of newer and older cases, and tables of the relevant statutory instruments. The index is thorough. The accompanying online resource centre is easily accessible, but I had not received any updates by the time of writing. The online glossary is quite basic, but in contrast, the weblink listing of resources is comprehensive.

A criticism is that there appears to be no discussion on coronial reform within the Coroners and Justice Act 2009. Also, other medical law and ethics books use imaginary scenarios to stimulate the reader's thoughts about controversial issues and I wonder if such discourse would be useful, although this may make this book too large and unwieldy. Nonetheless, such scenarios could appear on the publisher's online resource centre.

It is very competitively priced at £37.99 and overall, I would recommend this as an excellent, very readable textbook for undergraduate and postgraduate medical ethics and law students, and also as a comprehensive reference book for medical and legal practitioners with an interest in medical law and ethics.

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